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SUBJECT: Follow-Up on Arrest Case of Fuad Peygumbari

REF: (A) Post e-mails with CA/PRI, (B) Bishkek 0296,
(C) Bishkek 0220, (D) Bishkek 0085, (E) Bishkek 0082

¶24. REMARKS: Consular Section Chief and ACS FSN visited Peygumbari at the State Committee on National Security (GKNB) Detention Center on April 14, 2008. Peygumbari appeared to be well. This was our 4th meeting since his detention on January 21, 2008.

According to Peygumbari's attorney and the GKNB chief investigator, the GKNB must decide by April 21st the case's status. Either the GKNB will request another extension for Peygumbari's detention in order to complete their investigation, or they must turn the case over to the General Prosecutor for the case to be either dismissed or sent forward to trial. According to both sources, the GKNB is awaiting confirmation from the Azeri government regarding Peygumbari's birth certificate and citizenship. As noted in Reftel E, Peygumbari entered Kyrgyzstan on a Russian passport and subsequently purchased a Kyrgyz passport. Peygumbari's attorney showed the consular section copies of official documents from the Russian Embassy in Bishkek which confirm that Peygumbari is not/not a Russian citizen. Peygumbari's citizenship is key in determining if he entered Kyrgyzstan illegally and thus faces an additional charge of illegal migration.

Peygumbari appeared physically well but remains frustrated with the progress of his case. He repeatedly protests his innocence and states that the fault lies with the Kyrgyz administration for giving him the passport initially. As mentioned in Reftel B, he reports that the GKNB continue to urge him to confess to espionage to "make this all go away."

Upon conclusion of the visit, the consul spoke with the senior investigator regarding Peygumbari's case. For the first time, the investigator was cordial and ready to discuss the case with us. As mentioned above, the investigator stated that one of the main difficulties is the fact that Peygumbari possesses several different passports. The consul reminded the investigator that if an official request is sent to the Embassy, post can verify Peygumbari's US citizenship. The investigator indicated he would send this request shortly and asked for further information regarding US law on dual nationality.

Post has already contacted CA/PRI regarding releasability of Peygumbari's citizenship information and approved language regarding dual nationality. Post continues to have difficulties in securing access to Peygumbari. While the GKNB no longer refuses access requests, such requests take five or more working days to process. Post will continue to work with the Kyrgyz government to reach a reasonable accommodation for securing access to detained US citizens.

Yovanovitch